

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

DEMARIO KENTRELL BOOKER

CRIMINAL COMPLAINT

Case Number:

12-mj-813 JSM

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief: On or about November 20, 2012, in Hennepin County, in the State and District of Minnesota, defendant DEMARIO KENTRELL BOOKER, after having been convicted of crimes punishable by a term exceeding one year, knowingly and intentionally possessed, in and affecting commerce, a firearm, specifically, a Smith and Wesson, .40 caliber, semi-automatic pistol,

in violation of Title 18, United States Code, Section 922(g)(1).

I further state that I am a(n) ATF Task Force Officer and that this complaint is based on the following facts:
SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

12/12/12
Date
The Honorable Janie S. Mayeron
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer

at

Signature of Complainant
John Biederman
ATF

St. Paul, MN
City and State

Signature of Judicial Officer

SCANNED

DEC 13 2012

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA)

)

ss. AFFIDAVIT OF JOHN BIEDERMAN

COUNTY OF RAMSEY)

I, John Biederman, being first duly sworn under oath, depose and state as follows:

1. I am a Task Force Officer (TFO) with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been employed as a Minneapolis Police Officer since 1998. I am currently assigned to the St. Paul Group IV Field Office and the Minneapolis Police Weapons Unit. My duties and responsibilities include conducting criminal investigations of individuals and organizations who are alleged to have violated Federal laws, particularly those found in Titles 18, 21, and 26. I have participated in numerous investigations which have resulted in the arrests, searches, seizures, and convictions of individuals who have violated Federal laws.

2. This affidavit is submitted in support of a Complaint against DEMARIO KENTRELL BOOKER (A/K/A GARY WHITE), charging him with possession of a firearm by a convicted felon in violation of Title 18, United States Code, Section 922(g)(1). The facts set forth in the Affidavit are based upon my review of reports, my personal investigation, and discussions I have had with other law enforcement personnel. This affidavit contains information to support probable cause and is not intended to convey facts of the entire investigation.

3. On November 20, 2012, at approximately 0206 hours, Minneapolis Police Department (MPD) Officers noticed a vehicle, later found to be driven by BOOKER, fail to signal a turn and cross over the center driving line. When the officers activated their emergency equipment, BOOKER failed to stop and led the police in a high speed car chase. When

BOOKER eventually stopped in Robinsdale, Minnesota he fought with the officers. After BOOKER was subdued a search of the vehicle resulted in the recovery of a handgun.

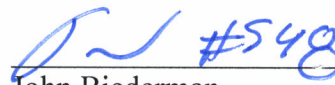
4. At the scene, Officers spoke with the two other occupants of the vehicle BOOKER was driving. At the scene, both occupants told police that BOOKER had the gun in the car.

5. I reviewed BOOKER's criminal history and determined that, prior to November 20, 2012, BOOKER had the following felony convictions: Felony third degree assault (2004), Felony third degree narcotics possession (2005), prohibited person in possession of a firearm (2005), and fourth degree assault (2009). Consequently, BOOKER was prohibited from possessing firearms.

6. ATF Special Agent Martin Siebenaler reviewed reports given to him by me regarding the Smith and Wesson, model SW40V, .40 caliber, semi-automatic pistol having Serial Number: PAM9930, recovered during the above-described incident. Based on his training and experience, Agent Siebenaler determined that the pistol was manufactured outside the State of Minnesota. Therefore, at some point after manufacture, the pistol was shipped or transported into Minnesota through interstate commerce prior to November 20, 2012.

7. Based upon the facts conveyed in this affidavit, I have probable cause to believe that on November 20, 2012, DEMARIO KENTRELL BOOKER (A/K/A GARY WHITE) committed the crime of being a felon in possession of a firearm, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

Further your Affiant sayeth not.

 #548

John Biederman
Task Force Officer

SUBSCRIBED and SWORN to before me
this 12 day of December, 2012.


United States Magistrate Judge